

## REMARKS

The Office Action mailed October 21, 2002, has been reviewed and the comments of the examiner carefully considered. Claim 30 has been amended to clarify that the substrate is a “defective” substrate. Support for the amendment to claim 30 is found in the specification at page 6, lines 11-16. Entry of this amendment is respectfully requested.

Claims 30-32 and 37-38 remain rejected under §102(e) over Eng et al. As pointed out in applicants’ reply mailed June 24, 2002, element 60 of the Eng et al. package is not a cover member that covers “**at least a portion of the opening**” as recited in claim 30. Upon close inspection of FIGS. 1 and 3 of Eng et al., it is apparent that element 60 includes an opening that has the same dimension as the opening 86. In other words, no portion of element 60 extends into the opening 86. Applicants note that two examiners in the same art unit have now appreciated that element 60 of Eng et al. is not a cover member that covers at least a portion of the opening (see the allowed parent application (Serial No. 09/590,023) and another divisional application (Serial No. 09/971,872)).

The examiner asserts that “applicant has failed to structurally distinguish the cover member” over the prior art. Claim 30 distinguishes the cover member over the prior art by reciting a specific location for the cover member. Distinctions based on the recited position of an element of a claimed article of manufacture are structural features that cannot be ignored for purposes of determining allowability of the claim.

The examiner further notes that “the cover member 60 or ‘adhesive layer’ cover the die, and therefore anticipate the invention as claimed.” However, claim 30 does not recite that the cover member covers a die. Instead, claim 30 recites that the cover member covers “at least a portion of the opening.”

Claims 36, 39, and 40 have been rejected under §103 over Eng et al. As reiterated above, element or adhesive layer 60 of Eng et al. does not cover at least a portion of the opening 86. There would have been no motivation to extend the adhesive layer 60 to cover at least a portion of the opening 86. Adhesive layer 60 adheres the printed circuit board 70 (via substrate 76) to the silicon chip 50. There would have been no reason to extend the adhesive layer 60 to an area where substrate 76 does not exist (i.e., opening 86) because a non-functional extended adhesive area would be unnecessary, if not interfere with the operation of the printed circuit board 70.

Claims 30-32, and 37-38 have also been rejected under §103 over Eng et al. combined with Vindasius et al. Eng et al. does not even hint at a defective substrate that includes a defective die attach site. Vindasius et al. mentions a defective die rather than a defective substrate. Obviously, there is a substantial difference between a defective substrate and a defective die. The examiner considers the term "defective" to be a "label" that does not structural distinguish the claim over the prior art. However, the substrate is defective due to some manner of faulty structure such as electrical circuitry. Such defect is, in fact, a structural feature. It follows that the term "defective" must be given patentable weight, and cannot be ignored.

For the foregoing reasons, it is respectfully submitted that the pending rejections should be reconsidered and withdrawn, and that the present claims are in condition for allowance. Should there be any questions regarding this application, Examiner Cruz is invited to contact the undersigned attorney at the telephone number shown below.

Respectfully submitted,

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